



Richland County Council  
Regular Session  
December 5, 2017 – 6:00 PM  
Council Chambers  
2020 Hampton Street, Columbia 29204

COMMITTEE MEMBERS PRESENT: Joyce Dickerson, Chair; Bill Malinowski, Calvin “Chip” Jackson, Norman Jackson, Gwen Kennedy, Paul Livingston, Jim Manning, Yvonne McBride, Dalhi Myers, Greg Pearce and Seth Rose

OTHERS PRESENT: Dwight Hanna, Brandon Madden, Sandra Yudice, Synithia Williams, Ashiya Myers, Shane Kitchen, Brittney Hoyle, Jamelle Ellis, Gerald Seals, Beverly Harris, Lillian McBride, Ismail Ozbek, Rokey Suleman, Ashley Powell, James Hayes, Heather Brown, Stacey Hamm, Brad Farrar, Jennifer Wladischkin, Latoisha Green, Laura Renwick, Jeff Ruble, Chenille Williams, Michelle Onley, and Kimberly Williams-Roberts

1. **CALL TO ORDER** – Ms. Dickerson called the meeting to order at approximately 6:00 PM
2. **INVOCATION** – The invocation was led by the City of Columbia-Richland County Fire Chief Aubrey Jenkins.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the City of Columbia-Richland County Fire Chief Aubrey Jenkins.

**POINT OF PERSONAL PRIVILEGE** – Mr. Pearce stated there was a group of journalism students from the University of South Carolina in the audience.

4. **APPROVAL OF MINUTES**

- a. Regular Session: November 14, 2017 – Mr. Pearce moved, seconded by Ms. Myers, to approve the minutes as distributed.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

- b. Zoning Public Hearing: November 16, 2017 – Mr. Livingston moved, seconded by Ms. Myers, to approve the minutes as distributed.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

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5. **ADOPTION OF THE AGENDA** – Mr. Smith stated Item (d): “Project A Unveiling” under the Report of the County Administrator is a contractual matter and needs to be moved under the Report of the County Attorney for Executive Session. There are outside consultants on this issue.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose, and McBride  
Opposed: Manning

The vote was in favor.

6. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS**

- a. Employee Grievances (5)
- b. Legal Advice: Regarding Transportation Bond Ordinance – No action was taken.
- c. Potential Litigation: Class Action
- d. Contractual Matter: Land Acquisitions
- e. Pending Litigation: Public Interest Foundation vs. Richland County
- f. Project A Unveiling – No action was taken.

*Council went into Executive Session at approximately 6:08 PM and came out at approximately 7:26 PM.*

Mr. Manning inquired if Council would be viewing the 3 – 4 slides that were skipped and were not a part of Executive Session.

Mr. Seals responded in the negative.

7. **CITIZENS’ INPUT: For Items on the Agenda Not Requiring a Public Hearing** – No one signed up to speak.

Mr. Manning stated for clarification the consultants are now are off the clock for payment.

8. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. Employee Grievances (5) – This item was not taken up.
- b. Countywide Stormwater Consortium – Ms. Synthia Williams, Stormwater Manager, gave a brief update. On November 1, the Stormwater Division turned in their annual report of activity on their Stormwater Management Program. That covered a range of activities from monitoring inspections, policy or procedure updates, pollution prevention measures currently being taken, as well as, updating the Stormwater Management Plan and revising the Stormwater Monitoring Program. As a part of the annual, there was an annual report of activities of our Richland Countywide Stormwater Consortium. The report of activities talked about the education outreach efforts they take as a part of the Stormwater Division. The Stormwater Consortium is co-coordinated with Chenille Williams, Stormwater Outreach Coordinator. Ms. Williams was recognized by Keep the Midlands Beautiful as a sustainability leader in the Midlands area. The goal of the consortium is to educate the public on ways that stormwater pollutants enter the system and measures they can take to try to reduce pollution. Some of the highlights of the stormwater management program and the education outreach program is the fact that we spearheaded the Georgia Adopt-a-Stream program and brought it here to Richland County

because there was not a State adopt-a-stream program. The adopt-a-stream program is a citizens' program whereby citizens go through certification to do chemical, bacterial and biological monitoring within the streams. They report that into a database, which helps to identify pollution measures. Once Richland County got the Georgia Adopt-a-Stream program, Clemson then worked with DHEC to create a State Adopt-a-Stream program. South Carolina and Richland County has the most adopt-a-stream volunteers. Stormwater has also done the Summer Celebration of Water, which is a joint festival with the City of Columbia and Lexington County to bring awareness to the waterways within the County. Approximately 1,200 people participate in the festival. They also partnered with Killian Elementary, where Chenille created a book called Tessa's Tail. The whole 3<sup>rd</sup> grade class used the book as part of their field studies program. The other community partnership include: City of Forest Acres, Arcadia Lakes, Gills Creek Watershed, Rocky Branch Watershed, Sonoco Recycling, Columbia Water, Keep the Midlands Beautiful and Sustainable South Carolina – University of South Carolina. More specific details are outlined in the handout provided to Council.

- c. Richland County Judicial Center Facilities Needs Assessment Presentation – This item was taken up in Executive Session.
- d. Project A Unveiling – This item was taken up in Executive Session.
- e. Presentation of surplus fire trucks dedication plaques – Chief Jenkins presented a plaque commemorating Richland County's donation of 2 fire trucks to Lexington-Richland District V and Richland District II.

9. **REPORT OF THE CLERK OF COUNCIL**

- a. December Meeting Schedule: Ms. Roberts reminded Council of the upcoming December Council meetings as follows:
  - 1. December 12 – Special Called Council Meeting, 6:00 PM
  - 2. December 19 – D&S (5:00 PM) and A&F (6:00 PM) Committees and Zoning Public Hearing (7:00 PM)

Mr. Malinowski noted that the Zoning Public Hearing is a Special Called meeting.

Mr. Pearce expressed his and Council's appreciation to Ms. Roberts for decorating Chambers for the holidays.

- b. 2018 Council Meeting Calendar – Ms. Roberts stated this item was presented as information. The meeting calendar will come back to the next Council meeting for action.
- c. Richland County Magistrates Holiday Luncheon, December 6, 11:30 a.m., Brookland Banquet & Conference Center, 1066 Sunset Blvd., West Columbia – Ms. Roberts reminded Council of the upcoming Magistrates Holiday Luncheon.
- d. Richland County Conservation Commission and Richland Soil & Water Conservation District Holiday Drop-In, December 12, 4:30 – 6:00 PM, County Administration Bldg., 3<sup>rd</sup> Flr. Atrium – Ms. Roberts reminded Council of the upcoming Richland County Conservation Commission and Richland Soil & Water Conservation District's Holiday Drop-In.

- e. Central SC Holiday Drop-In, December 14, 5:00 – 7:00 PM, 1201 Main St., Ste. 100, CSCA Atrium – Ms. Roberts reminded Council of the upcoming Central SC Holiday Drop-In.

10. **REPORT OF THE CHAIR**

- a. Domain Change – Ms. Dickerson stated she got an email from Mr. Seals about our domain name change. She apologized for not sending it out to full Council, but will forward the email and have the item placed on the December 12<sup>th</sup> agenda. The suggestion is to change the domain name to richlandcountysc.gov vs. rcgov.us.

Mr. C. Jackson stated he is happy to wait to review the document, but he hopes that is taken into very serious consideration. Making a domain name change considering the widespread implications that it has unless we have lapsed in our certificate and we do not have a chose.

Ms. Dickerson stated she has spoken with IT and they have crossed all their t's and dotted all their i's. It will just be a matter of whether or not we want to retain the one we have or go forward. The certificates have been certified.

- b. Personnel Evaluations Update – Ms. Dickerson stated Council requested her to look at evaluations. That has been sent to HR for evaluation and will come to Council.

Mr. Malinowski stated it is his recollection when the personnel evaluations begun, Council approved the Procurement Department to begin to create something to move forward with, a RFQ or RFP. He believed they were doing this in conjunction with Mr. Hanna.

**POINT OF PERSONAL PRIVILEGE** – Ms. Kennedy thanked Ms. Roberts and Ms. Onley for the good work they have been doing. Ms. Dickerson stated she and Council concur.

11. **OPEN/CLOSE PUBLIC HEARINGS**

- a. A Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its Hospital Revenue Bonds (SC Health Company) Series 2017, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of \$1,500,000,000 and authorizing a pledge of revenues of SC Health Company in connection herewith – Mr. Jim Carpenter spoke in opposition of this item.

12. **APPROVAL OF CONSENT ITEMS**

- a. 17-022MA, Chuck Munn, RU to RS-LD (38 Acres), 5339 Hard Scrabble Road, TMS # R20500-04-06  
[SECOND READING]
- b. 17-034MA, Cruddie Torian, PDD to PDD (.5 Acres), 113 Barton Creek Court, TMS # R20206-03-03  
[SECOND READING]
- c. Extension of Waverly Magistrate Lease
- d. A Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of

its Hospital Revenue Bonds (SC Health Company) Series 2017, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of \$1,500,000,000 and authorizing a pledge of revenues of SC Health Company in connection herewith  
Mr. Pearce moved, seconded by Mr. Livingston, to approve the consent items.

In Favor: Pearce, Kennedy, Dickerson, N. Jackson, Livingston, and McBride  
Opposed: Malinowski and Rose

The vote was in favor.

13. **THIRD READING ITEMS**

- a. Authorizing (1) the execution and delivery of a First Amendment to Fee in Lieu of Tax and Incentive Agreement by and between Richland County, South Carolina (the "County"), and Constantia Blythewood, LLC, f/k/a Constantia Hueck Foils L.L.C., acting for itself, one or more affiliates, and/or other project sponsors (the "Company"), in connection with certain additional investment to be located in the County; and (2) other matters related thereto – Mr. Livingston moved, seconded by Mr. Pearce, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

- b. Authorizing the execution and delivery of a fee-in-lieu of ad valorem tax and incentive agreement by and between Richland County, South Carolina and Charter Nex Films, Inc. to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters – Mr. Livingston moved, seconded by Ms. Myers, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

14. **FIRST READING ITEM**

- a. An Ordinance Authorizing a deed to 908 Group Holdings, LLC for 1328-1400 Huger Street; also described as TMS # 09009-11-04 and 09009-11-05 [BY TITLE ONLY] – Mr. Smith stated that anytime the County sales County-owned property, we have to do an ordinance. The property is now under contract and, at this point, we are getting the ordinance portion starts so that by the time we get to the closing the readings of the ordinance will be done.

Ms. Myers moved, seconded by Mr. Livingston, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, and McBride  
Opposed: Rose

The vote was in favor.

15. **REPORT OF ADMINISTRATION & FINANCE COMMITTEE**

- a. Request of Board of Voter Registration and Elections: Repeal of Ordinance Section 1-16 of Chapter 1, General Provisions of the Richland County Code of Ordinances – Mr. Pearce stated the committee recommended to leave the ordinance, as drafted, with no repeal of the ordinance. The committee did take note of the fact the Elections Commission has some funds available. The committee did not want to take a position on the lawsuits, but they did feel like the Election Commission should have the authority to spend the money according to the Board’s interest.

Mr. Malinowski stated there is a SC Code, Section 1-7-50, that states, the Attorney General is the one to be requested by an agency, like the Election Commission, which is a State agency according to everything that has been written.

**POINT OF ORDER** – Mr. Pearce stated he made a motion that had not been seconded.

Mr. Rose stated he would second the motion.

Mr. Malinowski stated the Attorney General is responsible for all legal matters with this particular entity. By Richland County coming in and saying we will give you authority to spend part of your budget for these legal fees, he believes we are violating that particular State law and opening a Pandora’s box that we probably do not want to go to. It will then give every other agency, that we have absolutely no authority over, to come back to us because we provide them funding by law saying, “we want you to pay our attorney’s fees also.” That was the purpose when we enacted that particular ordinance. While we are not going to negate the ordinance, I believe we need to follow the State law.

Mr. Malinowski made a substitute motion to not act on whether or not the Election Commission can spend Richland County funds for legal matters, but rather follow the State law that says they go to the Attorney General for representation on their legal matters.

Ms. Dickerson stated the motion died for lack of a second.

Ms. Myers requested Mr. Malinowski to read the State law.

Mr. Malinowski stated, “**SECTION 1-7-50.** Defense of actions against public officers and employees. In the event that any officer or employee of the State, or of any political subdivision thereof, be prosecuted in any action, civil or criminal, or special proceeding in the courts of this State, or of the United States, by reason of any act done or omitted in good faith in the course of his employment, it is made the duty of the Attorney General, when requested in writing by any such officer or employee, to appear and defend the action or proceeding in his behalf. Such appearance may be by any member of his staff or by any solicitor or assistant solicitor when directed to do so by the Attorney General.” He further stated this law has been in the State Code since at least 1962.

Ms. Myers stated she would like to second the substitute motion for the purposes of discussion.

Ms. Myers stated if that is State law and we are looking at our County ordinance, one trumps the other. It just seems if that is mandatory, I do not know where we get any authority to do otherwise. If that is

the State statute and it has not been repealed, it seems that controls.

Mr. Rose stated, as he understands it, the recommendation was to allow the Election Commission to use their budget, at their discretion.

Mr. Pearce responded in the affirmative.

Mr. Rose further stated he has long said Council does not have authority over the Election Commission, but he does not feel like when funds are allocated to them we should be telling them they cannot use those funds. He does not know that we have authority to tell them how to use their funds and that is the motion before us. He would like to have that issue looked into. Additionally, the current Director was not here when this action initially started. They are trying to use their own budget to end a legal situation that has been coming down for some time. There is more harm to the taxpayer if whatever judgment or settlement has been reached is not done. The motion before us is to allow them to use their budget, as they see fit. He requested the Election Commission to look into whether or not they are violating the State law because we do not have authority over them. Mr. Malinowski seems to be getting into more specificity as to whether or not it should be used towards legal means, but the motion from the A&F Committee is to allow them to use their budget, as they see fit. He would request the Election Commission to do so in accordance with State law.

Mr. N. Jackson stated it is their budget and they should have the right to spend the budget as they see fit. They have a Board, a committee, appointed by the Legislative Delegation to make those decisions. What he has seen over the years is that decisions have to be made and County Council got involved. Citizens that served on these boards had to suffer or wait months for Council to make a decision and it cost us more while they had it in their budget. He does not think Council has the right to tell them, while they have a board, they cannot do it. They have to go through us or wait on the Attorney General. It says in the statute, "upon request to the Attorney General". He thinks it's their budget and they should make that decision. Any problem we report to the Attorney General and he can resolve it.

Ms. Myers stated if it is their budget and we do not have the authority to tell how not to spend. She does not think we need to vote on the item either way. If what we are saying is we do not have the authority to tell them not to spend the money in a certain way. Conversely, we should not have the authority to tell to spend it and to enable them to spend it in a certain way. She did not know that this would be properly before us.

Mr. Rose stated that is a good question, why is it before us? His position is it is their budget.

Mr. Smith stated he could not tell Mr. Rose why it is before Council. What came before the committee was the repeal of the ordinance.

Mr. Rose stated to him it is established. He thinks there was a misunderstanding. The ordinance says we will not pay your legal bills. But they certainly have the ability to do so within their own budget. What they are doing is paying something within their own budget, so the ordinance does not apply. If the ordinance does not apply it seems like the whole thing is moot and they can do what they want to do. He would encourage them to follow State law.

Mr. Smith stated for clarification that he did not put the item on the agenda. He did not make the request the item be placed on agenda. He assumed the request that was made by the Election

Commission was to repeal the ordinance. The discussion then morphed into the issue of paying legal bills. When what was before the committee was the repeal of the ordinance.

Mr. Rose stated to him the ordinance does not apply. He supported the ordinance. Obviously, we do not appoint them. He does not know of any authority to go in and tell them what they can and cannot do. The Election Director knows better than he does. The Director has certificates, has gone to school and has a lot of training on how to run things. As long as they stay within their budget, he does not believe the ordinance applies.

Ms. Dickerson stated if you look closely to what is before us. It says the repeal of the ordinance. She does not know why we are discussing the matter.

Mr. Rose stated he does not support repealing the ordinance, but the ordinance does not apply so they can still do what they want to do within State law with their funds.

Ms. Dickerson stated what we are voting on tonight is what came out of the Administration & Finance Committee. Elections is requesting we repeal the ordinance so that we can pay their legal fees. We are not voting on telling them whether or not they can spend the money they have. What is before us is whether or not we repeal the ordinance that we passed.

Mr. Rose stated that is line with what Mr. Pearce said. Mr. Pearce did not make a motion to repeal the ordinance. He simply said to leave the ordinance as drafted and allow the Election Commission to spend the money within their budget, in accordance with State law.

Mr. Manning stated even though it appears no one knows where this came from, he made a 2<sup>nd</sup> substitute motion for this item to go back to where it came from. Mr. Malinowski seconded the 2<sup>nd</sup> substitute motion.

Mr. Pearce requested clarification of the 2<sup>nd</sup> substitute motion.

Ms. Dickerson stated Mr. Manning made a motion to send it back.

Mr. Pearce inquired if the item was being sent back to committee.

Mr. Manning responded in the negative. He stated Mr. Pearce did not know where the item came from. No one knows where it came from. His motion was to send it back to wherever it started.

Ms. Dickerson stated it came from the Administration & Finance Committee.

Mr. Pearce stated it came from the Election Commission. It went from the Election Commission to the Administration & Finance Committee.

Mr. Rose called for the question and stated he was going to vote for the committee's recommendation.

In Favor: Malinowski and Manning

Opposed: C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The 2<sup>nd</sup> substitute motion failed.

Mr. Malinowski restated the substitute motion, “we move forward and have the Election Commission follow the State law.” He stated he would like to have legal counsel to provide us with what we are stepping into if, in fact, we follow the committee’s...

Mr. Rose and Ms. Dickerson stated the question had been called for.

**POINT OF ORDER** – Ms. Myers stated she believes the substitute motion is encapsulated in the committee’s recommendation. It may be that we would like to withdraw the substitute motion and accept the committee’s recommendation.

Ms. Dickerson stated Mr. Malinowski made a substitute motion.

Mr. Rose stated that Ms. Myers is retracting her second.

Ms. Myers stated it has now been all collapsed into one.

Ms. Dickerson stated so we go back to Mr. Pearce’s motion.

Mr. Malinowski stated the only thing we should be voting on is what is before us, which is do we get rid of this ordinance or don’t we. If the motion is do not get rid of the ordinance that is it there is nothing further to be added.

**POINT OF CLARIFICATION:** Mr. Manning stated what appears on the scene is that the item has been dealt with. And it was no.

Ms. Myers stated it is a limitation of the technology.

**POINT OF CLARIFICATION:** Mr. N. Jackson stated Mr. Pearce’s motion did not address removing the ordinance. It just says they can spend their money within their budget.

Ms. Dickerson stated we are not telling them how to spend their money. We are voting that we are not changing the ordinance.

Mr. Pearce stated on p. 113 of the agenda the committee’s recommendation is as follows: “The committee recommended to allow the Board of Voter Registration and Elections to use the reimbursement funds, in the amount of \$307,383, to settle 3 pending lawsuits.” He stated he distinctly remembers we discussed not repealing the ordinance. The motion that he made said the committee recommended we leave the ordinance as drafted and take no position on the lawsuits the Board has ongoing. The Board and its governing authority will need to determine if the resolution of any of those cases is appropriate and act accordingly in the Board’s interest and its creating and appropriate authority’s interest. The Legal Department provided this language to him.

Mr. N. Jackson requested clarification on the motion Mr. Pearce made.

Mr. Pearce stated the motion is to leave the ordinance as drafted and take no position on the lawsuits the Board has ongoing.

Mr. Rose requested to ask the Election Director a question. He stated the intent, as he understood it,

from the Council when we said we were not going through an ordinance to pay future legal bills. That was a situation where there were requests being made for legal bills to be paid by Council that were on top of the Election Commission's budget. It was like, they got their budget and now on top that they wanted us to pay their legal bills. This is a different situation because the Election Commission is saying they want to pay their legal bills or settlements, but within their budget. It is not us writing a check on top of the budget. As he understood it, there was no financial impact to the body.

Mr. Suleman stated he could not speak to the ordinance because he was not here. He stated the bills were submitted earlier this year and denied payment because of the ordinance. They have the reimbursement money that came back in, which is State money and not County money. It was State reimbursement from elections that were administered. The funds came back into the County's budget, but never made it back into their budget. They can utilize these funds to settle 3 pending lawsuits and pay the outstanding legal fees. The outstanding legal fees have prevented the agency from getting any legal representation since he has been here.

Mr. Rose stated what he did not understand was why they were not just doing this within their budget. He stated for clarification the Election Commission was stopped from doing this when they submitted the bills to Finance for payment from their budget. He stated he wants to be clear the motion before Council is to not put any restrictions on how they spend money in their budget. Council is asking the funds be spent within State law. The ordinance is not being repealed, but we are not going to stop the Election Commission from using the money in their budget. He believes they should be able to spend the money in their budget.

Mr. Suleman stated they are still waiting on an Attorney General's opinion. He spoke with the opinion's office today. They expect to have an opinion no later next week, which will lay out the Attorney General's opinion. He stated he requested representation by the Attorney General's office earlier this year. The request was denied because the Election Commission is not a State agency but a County agency and the County is supposed to be providing legal representation. He has talked to 5 other counties across the State where the County provides legal representation. He stated the immediate need is the lawsuits need to be settled.

Mr. Rose stated his fear is that if these lawsuits are not settled there will be more financial impact and harm to the taxpayer. Although he does not want to repeal the ordinance, again that was money in excess of the budget, whereas this is within your budget. And there could be more harm to the taxpayer by not doing it.

Mr. Pearce stated he is uncomfortable with the documents he has before him because he does not think they accurately reflect the motion that came from committee. Therefore, he would like to make a motion to defer this until next week to give him an opportunity to listen to the transcript and give the exact wording of the motion from committee. Ms. Dickerson seconded the motion.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Rose and McBride  
Opposed: Livingston

The motion passed to defer this item until the December 12<sup>th</sup> Council meeting.

16. **NOTIFICATION OF APPOINTMENTS**

- a. Richland Memorial Hospital Board – 3 – Mr. Malinowski stated the committee recommended appointing Mr. Michael B. Bailey, Cynthia “Cindy” Ottone, and Mr. Ronald Scott.

Mr. Pearce requested to divide the question.

Mr. Pearce made a substitute motion, seconded Mr. Manning, to appoint the incumbents, Ms. Cynthia “Cindy” Ottone and Mr. Ronald Scott, and then take up the remaining vacancy.

The vote was in favor.

Mr. Rose moved, seconded Mr. Manning, to appoint Ms. Maryanne Warner Belser to fill the remaining vacancy.

Mr. N. Jackson made a substitute motion, seconded by Mr. Malinowski, to appoint Mr. Michael B. Bailey to fill the remaining vacancy.

**POINT OF ORDER** – Mr. Pearce stated he requested the question be divided. Therefore, we would vote on each person individually.

Mr. N. Jackson stated it was then the Chair Ms. Dickerson accepted Mr. Rose’s motion.

Mr. Rose stated for clarification we are going to vote on Ms. Maryanne Belser first, right?

Ms. Dickerson responded in the affirmative.

**POINT OF ORDER** – Mr. N. Jackson stated if we follow Mr. Pearce’s motion we would go in order as it is set, correct? Mr. Pearce’s motion was to divide.

Ms. Dickerson stated Mr. Pearce asked to divide and then we voted on two.

Mr. N. Jackson stated if we follow Mr. Pearce’s motion, we go by #1 and then in numerical order.

Mr. Rose stated Ms. Belser will be the 2<sup>nd</sup> one.

Ms. Dickerson stated that is correct.

Ms. Myers requested clarification. It was her understanding that Mr. Pearce requested to vote on them individually, right? She stated she did not vote the last time because she thought they were taking them name by name. Then we voted on 2 of them and now we are voting out of order.

Mr. Pearce stated that was his error. He was trying to get the incumbents, but he should have done those individually.

Mr. Rose moved, seconded by Mr. Pearce, to reconsider this item.

The vote was in favor.

Mr. Livingston inquired as to who the incumbents were.

Mr. Pearce responded Cynthia "Cindy" Ottone and Mr. Ronald Scott.

Ms. Dickerson stated we are going to vote on each applicant.

Ms. Myers requested the committee restate their recommendation.

Mr. Malinowski stated the committee's unanimous recommendation was to appoint Mr. Michael B. Bailey, Ms. Cynthia "Cindy" Ottone and Mr. Ronald Scott.

Mr. Manning inquired if we can do this by getting 3 votes. In the past that is what we always did.

Ms. Dickerson stated you get to vote on 3 people.

Mr. Manning stated for clarification that he gets to vote 3 times.

Ms. Dickerson stated he gets to vote 3 times.

Mr. Manning stated the motion really is not whether we are voting for him or not for him. It is if you want him you vote yes.

Ms. Dickerson stated if you do not want him you vote no.

Mr. N. Jackson stated after the committee spent their time interviewing the candidates, the committee came up with the 2 incumbents and the most highly qualified of all the others we interviewed. That is why we chose Michael Bailey. He was very highly respected during the interview.

Ms. Dickerson called for the members of Council to cast their vote on Mr. Bailey, Ms. Ottone, and Mr. Scott.

Mr. Manning stated he inquired if we voted 3 times and the answer was no. Each time you had to either vote yes or no.

Ms. Dickerson stated she voted 3 times.

Mr. Manning stated no one said 3 yes votes, they said...he had not planned on voting for Michael Bailey, so he was very clear when he asked do we vote 3 times. He was told if you do not want Michael Bailey you have to vote no. So he voted no because that is what he was told to do.

Ms. Dickerson asked the Clerk if each Council member can vote for 3 people.

Ms. Onley responded in the affirmative.

Ms. Dickerson stated we can vote 3 times, either yes or no. She requested a ruling before we go forward.

Mr. Malinowski stated you vote each time, but you are only allowed 3 yes votes.

Ms. Dickerson inquired of legal if what Mr. Malinowski stated was correct.

Mr. Smith responded in the affirmative.

Ms. Dickerson stated you can vote on each person.

Mr. Smith stated you can vote on each person, but you only get 3 yeses. Council members can certainly vote on any of them that you want.

Mr. Rose requested to begin the votes again.

Ms. Dickerson requested to see the previous votes.

Ms. Onley stated she did not know how to retrieve the previous votes in the system.

Mr. Livingston stated we can raise our hands.

Mr. Manning inquired when this went through committee was discussed and vetted, what did you determine before we went into the system?

Mr. Malinowski stated to raise hands, but that was not good enough.

Ms. Dickerson stated this is the first time we have used the system do this particular voting.

Mr. Rose moved, seconded by Mr. Manning, to reconsider.

Mr. Malinowski inquired how the votes will be pulled up for the minutes.

Ms. Onley stated the votes are captured in the system.

Mr. Malinowski stated then why don't we defer this until next week also and see what the original vote was.

Mr. Rose stated he believes everyone can vote the way they want to vote. He made a motion to reconsider.

Ms. Dickerson stated hopefully we can get it right this time.

The vote was in favor of reconsidering this item.

Ms. Dickerson stated the committee recommended 3 persons.

Mr. Malinowski stated that is correct. (1) Michael B. Bailey, (2) Cynthia "Cindy" Ottone and (3) Ronald Scott. If we are dividing the question, as in the past, we just start with #1 and go down.

Mr. Rose moved, seconded by Mr. Livingston, to appoint Ms. Cynthia "Cindy" Ottone, Ronald Scott and Maryanne Belser.

Mr. N. Jackson stated we cannot do that Madam Chair.

Mr. Malinowski stated Mr. Pearce's motion to divide the question already passed.

Ms. Dickerson stated we already changed it one time to do all three.

Mr. Rose stated the Chair said we are starting at a clean slate.

Ms. Dickerson stated we are starting a clean slate on the votes.

Mr. Rose stated he is making a motion to appoint 3 people.

Mr. N. Jackson stated Mr. Rose could not do that.

Ms. Dickerson stated Mr. Rose made the motion, but she did not hear a second on the motion.

Mr. Livingston did not know if the Chair had accepted Mr. Rose's motion. He stated he wished to second the motion.

POINT OF ORDER – Mr. N. Jackson stated Mr. Rose requested to reconsider the vote that was taken. Not to reconsider to start over a new set of motions. The motions were already made. What happened was we could not remember who voted what and who voted 3 times. The motion was to reconsider and redo it. Not to redo the motions. There were 3 motions made and we are voting on the motions in order now. The motions have already been made, so you cannot cancel the motion and decide you are going to cancel everything because you did not like the results.

Mr. Rose stated he made a motion to...

Ms. Dickerson stated the motion that Mr. Rose just made, we can vote it up or down, and keep moving on.

Mr. Malinowski made a substitute motion, seconded by Mr. N. Jackson, to vote individually starting with #1 and going through #5. You get 3 yes votes and the rest you can vote as noes.

The vote was in favor.

Mr. N. Jackson stated to raise hands for this one is the only way to know.

Ms. Dickerson stated she could vote 3 yeses and 2 noes. Is that correct?

Mr. Smith stated, as he understands it...

Ms. Dickerson stated because we are so confused, could she have a show of hands? She stated staff can work it out because we will be here all night trying to decide if she voted 5 times.

Mr. Rose stated for clarification for each person you have to vote yes or no, but you can only have 3 yeses. You cannot vote yes more than 3 times.

Ms. Dickerson stated that is exactly what she said. She stated so she can go down this list and she is going to have 3 yeses.

Councilmembers attempted to vote electronically. The process became convoluted and the Clerk's Office could not assure Council members their votes were being accurately captured; therefore, it was decided to vote by a show of hands.

Mr. N. Jackson moved, seconded by Mr. Malinowski, to defer this item.

In Favor: Malinowski, C. Jackson, Dickerson, N. Jackson, McBride

Opposed: Myers, Pearce, Rose

Abstained: Manning

Mr. Pearce stated the motion did not pass because there were only 5 votes in favor of the deferral and 11 members present.

Mr. N. Jackson stated one Council member abstained.

Mr. Pearce stated under Council Rules you cannot abstain unless you give written notice of why you are abstaining.

Mr. Manning stated he would be glad to do that. He would like it in the record and also read into the record about what he thinks about this whole operation.

Ms. Dickerson stated we had 5 (in favor), 3 (opposed) and 1 (abstain) to defer this item. There were 9 votes cast. With the 5 votes and 1 abstention, does that mean the motion for deferral passes?

Mr. Smith stated there were 2 Council members that abstained, so their vote is considered to be on the prevailing side. There was a need for 6 votes for the item to pass.

Ms. Dickerson stated that means we had 7.

Mr. Smith stated that is not correct.

Ms. Dickerson stated the motion to defer failed.

Mr. Smith responded in the affirmative.

**POINT OF ORDER** – Mr. Malinowski stated every Council member must vote and we only have 9 votes. You cannot abstain unless you tell the Clerk why, so we need to revote that.

Mr. Rose stated Mr. Smith said we are back to where we were. He stated he has a motion. The Clerk's Office says they have the tallies of all the votes taken. He stated he has a motion to take up the last one. Everyone can cast their vote. Everything is where it was at. He stated his motion is to pick up where we were and call for the last person to vote.

Mr. N. Jackson stated they could not do that.

**POINT OF ORDER** – Mr. Livingston stated there were clearly 5 yes votes and a no vote. According to our rules a no vote is on the prevailing side; therefore, the motion passed for deferral.

Ms. Dickerson stated that is what she was trying to get Mr. Smith to say. She stated Mr. Smith was not telling her what our ordinance says. It says if a person does not vote that means they abstain. That vote goes on the prevailing side.

Mr. Smith stated he believes that is what he said.

Ms. Dickerson stated that is what she said. We had 5 and then we got 2. That makes 7, is that correct?

Mr. Livingston stated he did not mean a prevailing with a no vote. A no vote means a positive vote, according to our rules. Is that correct, Mr. Smith?

Mr. Smith responded in the negative.

Mr. Livingston stated we he said a no vote he meant they did not vote at all. So Ms. Kennedy did not vote. According to our rules that means a yes vote.

Mr. Manning stated if yes won.

Mr. Livingston stated it added 1 to the 5.

Mr. Manning stated to the prevailing side.

Ms. Myers stated for clarification that abstentions get added to the prevailing side. If someone fails to vote their vote is counted as a yes. Therefore, Mr. Livingston is right. Those people who did not vote get their votes attributed to the yes side. Those who abstained now get attributed to the prevailing side. Since 2 people did not vote there are 8 now.

Mr. Smith read into the record the Council rule as follows: "A Council member must be in his or her seat in order to vote. If a member does not declare a vote or an abstention his or her vote shall be recorded with the prevailing side. If voting an abstention, a reason for the abstention must be stated and recorded in the minutes."

Mr. Livingston stated according to this you do not have a prevailing side.

Mr. N. Jackson stated it did not clarify prevailing side to be 6. It said the prevailing side. If we have 5-3, the prevailing is 5. It did not say the prevailing had to be 6.

Ms. Dickerson inquired if the motion would pass with those people not voting. The deferral failed because we had 5 and 2 did not vote.

Mr. Smith stated, as he understood it, in order to prevail you must have a majority of votes and you did not have that.

Ms. Dickerson stated the motion failed to defer this item. That brings us back to where we were.

Ms. Onley stated at this point she would suggest Council vote by show of hands.

Mr. Rose moved, seconded by Ms. Myers, to start from the beginning and to vote by show of hands.

**POINT OF ORDER** – Mr. N. Jackson inquired why we are doing it by hand.

Ms. Dickerson stated because Ms. Onley does not have the correct votes.

Mr. N. Jackson inquired if we are going to do the whole thing over. The last thing on the agenda was deferral.

Ms. Dickerson stated the Legal Department ruled the deferral failed.

Mr. N. Jackson inquired what we are doing over.

Ms. Dickerson stated they were going to vote by hand. Starting at #1.

Mr. N. Jackson inquired if it was proper.

Ms. Dickerson inquired if the motion was properly before her.

Mr. N. Jackson stated based on the new rules, what we were told when we went to electronic voting, by State law we have to use electronic voting. If we have to use it, we cannot go by hand.

**POINT OF ORDER** – Mr. Livingston stated deferral was not an original. When we voted on the deferral and it failed, we go back to whatever that motion was before the deferral.

Mr. N. Jackson stated somebody was not on the agenda.

Ms. Dickerson inquired if there was a second on Mr. Rose's motion.

Ms. Myers stated she seconded the motion.

Ms. Dickerson stated she is going to do a show of hands and let the Clerks figure out how it gets recorded.

In Favor: C. Jackson, Myers, Pearce, Kennedy, Dickerson, Livingston, and Rose  
Opposed: Malinowski, Manning, and N. Jackson

The vote was in favor of the motion to vote by a show of hands.

Bailey – N. Jackson, Malinowski, Dickerson, Kennedy, Myers, McBride

Ottone – Pearce, Rose, C. Jackson, N. Jackson, Malinowski, Dickerson, Livingston, Myers, Manning

Scott – Pearce, Rose, C. Jackson, N. Jackson, Malinowski, Livingston, Kennedy, McBride

Belser – Pearce, Rose, C. Jackson, Dickerson, Livingston, Kennedy, Myers, Manning, McBride

Wasserman – None.

Ms. Cynthia "Cindy" Ottone, Mr. Ronald Scott, and Ms. Maryanne Warner Belser were appointed to the

Richland Memorial Hospital Board.

- b. Planning Commission – 1 – Mr. Malinowski stated since the committee met he received information that there may not be an opening on the Planning Commission; therefore, he recommended deferral until the matter can be clarified.

17. **ITEMS FOR ACTION FROM RULES & APPOINTMENTS COMMITTEE**

- a. I move that 2020 Hampton Street discontinue the practice of scheduling meetings for Council members at the same time [MANNING] – Mr. Malinowski stated the committee recommended approval of the following language: “No committee shall meet regularly in a room designated by the Committee Chair. No committee shall meet while the Council is meeting without special leave. No committee shall sit unless a quorum is present. No meeting of a committee of Council may be scheduled to commence at the same time or with 1 hour of the scheduled start of another meeting of a committee of Council. For purposes of this rule, a “meeting of a committee of Council” is a meeting where a quorum of Council members who have been appointed by the Chair of County Council to a committee, subcommittee, ad hoc committee, working group or any other public body is in attendance. No Council member shall be allowed under any circumstances to vote by proxy. Members of Council, whenever possible, shall make inquiries and requests for information at the Committee meetings. Members of the public may address a Committee with the permission of the Committee Chair and with the consent of the Committee; however, any material that a citizen intends to present, including audio and visual presentations, must be approved by the Clerk of Council prior to the Committee meeting.”

Mr. Malinowski stated the reason the committee recommended the 1 hour timeframe was because most committee meetings are scheduled for one hour. The standing committees: Rules and Appointments, D&S, A&F, and Economic Development are all scheduled for 1 hour. Another consideration was the limited personnel to staff the meetings.

Mr. Manning requested Mr. Malinowski to explain the hour thing again.

Mr. Malinowski stated in the past a committee would schedule a meeting for 4:00. Somebody else would come along and say I’m scheduling mine for 4:15. It’s not starting at the same time; however, since most committee meetings are scheduled for a one hour timeframe and we only have the same amount of staff to staff all of these meetings. The Rules Committee felt that no committee meeting should start within an hour of another one being scheduled. In this case, D&S Committee has a 5:00. The A&F Committee cannot schedule until 6:00. If Rules has one at 4:00. Economic Development cannot schedule until 5:00. So there is no overlapping in the hourly scheduled committee meetings.

Mr. Manning stated he was a little nervous because every once in a while there will be, say an Economic Development meeting, and he as the Chair of the Transportation Ad Hoc Committee check with Economic Development Chair Livingston and he will say they only have one item, so we will only meet for 20 minutes.

Mr. Malinowski recommended requesting Mr. Farrar, who drafted the language, to incorporate that also. If is agreed upon.

Mr. Manning stated the overlapping is the issue. It is not a 60 minute timeframe. It is the overlapping he was concerned with.

Mr. Malinowski stated that is what they were trying to eliminate with the 1 hour.

Mr. Manning stated he understood, but that could preclude us when someone needs to do a quick meeting and there is not any overlap but the rule would say you could not do it.

Mr. Farrar stated his recommendation was ½ hour.

Mr. Malinowski requested Mr. Manning’s language be incorporated and bring it back to Council.

Mr. Malinowski moved, seconded by Mr. Manning, to defer to the next Council meeting.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

18. **OTHER ITEMS**

- a. FY18-District 3 Hospitality Tax Allocations – Mr. Manning moved, seconded by Ms. McBride, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

Mr. Manning made a motion to reconsider this item, Ms. Myers seconded the motion.

In Favor: McBride

Opposed: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, and Rose

The motion to reconsider failed.

19. **CITIZENS’ INPUT: Must Pertain to Richland County Matters Not on the Agenda** – No one signed up to speak.

20. **EXECUTIVE SESSION**

- a. Contractual Matter: Land Acquisitions – Mr. Smith stated we need a motion to direct staff proceed as discussed in Executive Session.

Mr. N. Jackson moved, seconded by Ms. Myers, to proceed as discussed in Executive Session.

Mr. C. Jackson stated as a new member of Council and having been in situations similar to this in my past experience. Particularly dealing with bonds and getting money to build buildings and schools in the hundreds of millions of dollars, it was never an easy decision for him to make. He always had the jitters.

He second guessed whether or not it was the right thing to do and what impact it would have on the citizens in the district he represented. But when he made the decision to join the school board, made the decision to join this Council, he made the decision understanding he would have to make some tough decisions. Sometimes making tough decisions by depending on the knowledge of experts that he has entrusted in the role. Even though tonight has been a very unusual night for us, as it relates to the motion we are about to vote on, it is very difficult to take that lightly and he tries to make sure he does not. He takes it very soulfully, but at the same time he certainly would hate to see an opportunity for our future go down the drain because of anxiety, nervousness, or some uncertainty. He certainly hope the level of confidence we have in the future of Richland County will be exhibited in this vote we are going to take tonight.

In Favor: C. Jackson, Myers, Kennedy, Dickerson, N. Jackson, Livingston, McBride  
Opposed: Pearce, Manning, and Rose

The vote was in favor of this item.

21. **MOTION PERIOD**

- a. Without prior notice, in June 2017 the City of Columbia raised the storm water management fees for Hamilton Owens Airport by 74% creating a severe financial hardship on airport operations. This increase amounts to 27% of the airport’s annual operating budget even though less than one percent of airport stormwater is managed by the City. Attempts to negotiate these rates have proven unsuccessful at the staff level. Recent studies have shown that a Hamilton Owens Airport has a 14+ million dollar economic impact on the City of Columbia. This Motion requests that further payments of this unreasonable storm water management fee be withheld until such time as City officials provide a rate structure that is more tenable and consistent with the actual service being provided [PEARCE] – This item was referred to the A&F Committee.
- b. Explore potential funding options for the CMRTA after the Transportation Penny ends [DICKERSON] – This item was referred to the Retreat.
- c. To coordinate a courtroom unveiling in honor of Judge Sims; one of the longest serving “female” judges [DICKERSON] – Ms. Dickerson stated she would for this to take place in February, if possible.
- d. Richland County terminate their association with the South Carolina Association of Counties [DICKERSON] – This item was referred to the Retreat.

13. **ADJOURN** – The meeting adjourned at approximately 9:53 PM